

**3884. Adulteration and misbranding of so-called banana cordial. U. S. v. 3 Half Barrels of Banana Cordial. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3939. I. S. No. 19623-d. S. No. 1376.)**

On May 14, 1912, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 half barrels of alleged banana cordial, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on April 1, 1912, and transported from the State of Ohio into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. On one end of the half barrels was the picture of three crowns, under which was written "Banana Cordial," and on the other end of the package was written "Cordial Banana Flavor."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an artificially flavored imitation banana cordial, was mixed with the said rectified spirits contained in said packages, so as to reduce its quality or strength; further, in that a substance, to wit, an artificially flavored imitation banana cordial, had been mixed with said rectified spirits contained in said packages, so as to lower the quality of said spirits; further, in that a substance, to wit, an artificially flavored imitation banana cordial, was mixed with said rectified spirits contained in said packages, so as to injuriously affect the quality of said spirits; further, in that a substance, to wit, an artificially flavored imitation banana cordial, had been substituted in part for banana cordial contained in said packages. Misbranding was alleged for the reason that the packages in which said spirits were contained were labeled and branded so as to deceive and mislead the purchaser of the same, being labeled and branded "Three Crown Banana Cordial" on the commercial end of said packages, said branding occupying the entire commercial end of the packages, thereby purporting to be unadulterated banana cordial, whereas the same was not unadulterated banana cordial, but contained an artificially flavored imitation banana cordial.

On January 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 28, 1915.